REMARKS/ARGUMENTS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this response, claims 1-19 will be pending.

Claim Rejections – 35 U.S.C. §112

In the office action, the Examiner rejected claims 12-14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is the Examiner's position that the phrase "adapted to" does not limit the claim to a particular structure and renders the claim indefinite.

Applicant has amended the claims to address each point of rejection raised by the Examiner by changing "adapted to control" to – for controlling – in claims 12 and 14 and by changing "adapted to extract" to – extracts – in claim 13. In view of these considerations, it is Applicant's contention that one of ordinary skill in the art based on a reading of the present application and understanding of the preferred embodiments would clearly find the claims in their present form to be neither vague nor indefinite. In view of the amendments, the rejection is believed to be overcome.

Claim Rejections – 35 U.S.C. §102(e)

Claims 1, 5-6, 10, 12, 14-15 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nishikawa et al. (U.S. 6,507,411 B1, hereinafter "Nishikawa"). Applicant respectfully traverses this rejection with respect to independent claim 1, which recites:

> determining the number of pixels of the image using the identified image file;
> determining an enlargement ratio corresponding to the determined number of pixels;

In making this rejection, the Examiner asserted that Nishikawa discloses a method of determining an enlargement ratio corresponding to the determined number of pixels. However, to be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant's claims.

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Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically or inherently disclosed or described in the prior art.

The Examiner is mistaken in attempting to correlate the method for determining an enlargement ratio of Nishikawa to the method of the claimed invention because Nishikawa does not teach each element of the claimed invention but only teaches a method for determining the enlargement ratio based on paper size, the number of sheets of paper and the size of the area of the original image (*see* col. 10, ln. 35-50, and col. 11, ln. 1-5, Nishikawa). Nishikawa's enlargement ratio is not determined based on the number of pixels in an image as recited in independent claims 1, 6, 12 and 15.

Exemplary embodiments of the present invention advantageously determine the number of pixels in the image and then determine an enlargement ratio corresponding to the determined number of pixels. Accordingly, images with *lower* resolution are enlarged *less* (the enlargement ratio is determined to be smaller) because the number of pixels in the image is determined to be smaller. Thus, the enlargement ratio is determined corresponding to the number of pixels. This method of limiting the enlargement ratio overcomes the problem illustrated in FIGS. 1 and 2, that is, over-enlarging an image with a resulting degradation of image quality.

By contrast, Nishikawa teaches a method for enlarging an image to poster size, and printing the poster on multiple smaller sheets of paper. Accordingly, the enlargement ratio is independent of the number of pixels in the original image, but rather depends on the number of sheets of paper in a horizontal and vertical direction, and the size of the effective area of the original image which is expressed by width and height (*see* col. 10, ln. 35-50, and col. 11, ln. 1-5, Nishikawa). Simply stated, Nishikawa's enlargement ratio is not determined based on the number of pixels in an image.

The portion of Nishikawa cited by the Examiner illustrates this distinction. The cited portion describes enlarging by a factor of 10 without any mention of limiting the enlargement ratio based on a number of pixels. Furthermore, the portion of Nishikawa cited by the Examiner is discussing memory limitations of a print engine

based on the number of physical dots (not pixels) on a printed page (*see* col. 15, ln. 15-30, Nishikawa).

In this connection, Nishikawa teaches a scale of enlargement that is already designated (*see* col. 10, ln. 35-40, Nishikawa) without limiting the enlargement ratio if the original image is too small. This is exactly what exemplary embodiments of the present invention avoid. Nishikawa fails to teach or suggest a method or apparatus for determining an enlargement ratio corresponding to the determined number of pixels in the image file. Accordingly, the rejection in view of Nishikawa should be withdrawn.

Applicant respectfully submits that the reference cited above by the Examiner fails to teach or suggest all of the claim limitations as set forth in the present invention. Since claims 2-5 depend from claim 1, and since Nishikawa does not disclose all of the limitations of claim 1, Applicant submits that claims 2-5 are patentable at least by virtue of their dependency from claim 1. Accordingly, Applicant respectfully requests that the rejections of claims 1-5 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Claim 6 is drawn to an apparatus for enlarging an image and printing an enlarged image. Specifically, claim 6 recites:

> an enlargement ratio determining portion, which determines an enlargement ratio corresponding to the determined number of pixels received from the number-of-pixels determining portion (Emphasis added).

Claim 6 was also rejected as anticipated by Nishikawa. However, Nishikawa does not teach the claimed apparatus. As discussed at length above, Nishikawa's rate of enlargement if determined based on the size of an effective area of the original image and the logical paper size which are expressed by width and height (*see* col. 10, ln. 35-50, Nishikawa). Nishikawa does not determine an enlargement ratio corresponding to the determined number of pixels. Therefore, Nishikawa does not teach the claimed apparatus and cannot anticipate claim 6. Claim 6 and dependent claims 7-11 are therefore in condition for allowance.

Claim 12 also stands rejected as being anticipated by Nishikawa. Briefly, claim 12 now recites:

a third set of instructions ~~adapted to~~ for contro<u>lling</u> the system to determine an enlargement
ratio corresponding to the determined number of pixels

As discussed above, Nishikawa does not teach determining an enlargement
ratio corresponding to a determined number of pixels. As such, claim 12, as well as
dependent claims 13 and 14 are not anticipated by Murakami and allowance of the
same is respectfully requested.

Claim 15 is drawn to a method of enlarging an image and printing an enlarged
image. Specifically, claim 15 recites:

determining an enlargement ratio corresponding to the determined number
of pixels;

Claim 15 was also rejected as anticipated by Nishikawa. However, Nishikawa
does not teach the claimed method. Specifically, nowhere does Nishikawa teach
determining an enlargement ratio corresponding to the determined number of pixels.
As discussed at length above, Nishikawa teaches a method for determining the
enlargement ratio based on logical paper size, the number of sheets of paper in a
horizontal and vertical direction, and based on the size of the effective area of the
original image which is expressed by width and height (*see* col. 10, ln. 35-50, and col.
11, ln. 1-5, Nishikawa). Therefore, Nishikawa does not teach the claimed method and
cannot anticipate claim 15. Claim 15 and dependent claims 16-19 are therefore in
condition for allowance.

<u>Claim Rejections – 35 U.S.C §103</u>

The Examiner has rejected claims 2-4, 7-9, 11, 13 and 16-18 as being obvious
over Nishikawa in view of Ishizaka (US 2003/0179953, hereinafter "Ishizaka").
Ishizaka is cited for teaching a method of selecting an image file, determining the
number of pixels extracted from header information stored in the image file and for
incorporating a lookup table. However, with reference to the above arguments and as
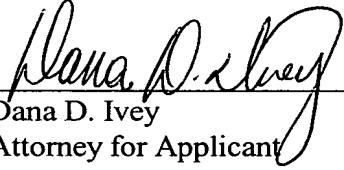previously argued in Applicant's responses filed on February 9, 2006 and October 10,

2006 and because Ishikawa does not teach a method of determining an enlargement ratio corresponding to the determined number of pixels, allowance of claims 2-4, 7-9, 11, 13 and 16-18 is respectfully requested.

Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

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